

From: Sam Mankiewicz
To: Microsoft ATR
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Subject: Microsoft Settlement

I believe the Proposed Final Judgement in its current form does not do enough to remedy Microsoft's anti-competitive practices. First, the definition of what API's Microsoft must make public is incomplete, and excludes certain API's that Microsoft can use in the future to leverage its monopoly. Second, the provision that would allow Microsoft to retaliate against OEMs who ship PCs without a Microsoft OS installed is essentially condoning this anti-competitive practice instead of remedying it. Lastly, Microsoft has shown in the past that it has no intention of upholding the spirit of its agreements with the DOJ; therefore, stronger enforcement mechanisms are needed. At the very least, a Technical Committee will be able to publicize Microsoft's transgressions more quickly, even if it can't do anything about them. Remember, this is a repeat offender you're dealing with -- they've demonstrated before they are willing to behave illegally and I'm sure they'll do it again.

Sincerely,

Sam Mankiewicz

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